

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION DIVISION

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL ACTION NO.
) 2:06cr108-MHT
GARETT ALBERT DYKES)

ORDER

Because this court is bound by United States v. Maxwell, 446 F.3d 1210 (11th Cir. 2006), until that decision is overruled by the Eleventh Circuit en banc or the Supreme Court, United States v. Smith, 122 F.3d 1355, 1359 (11th Cir. 1997), cert. denied, 522 U.S. 1021 (1997), it is ORDERED that the motion to dismiss for lack of jurisdiction (Doc. No. 16) is denied.

DONE, this the 3rd day of August, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE